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COUNTY OF LOS ANGELES PROBATION DEPARTMENT

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November 17, 2006

TO: Mayor Michael D. Antonovich
Supervisor Gloria Molina
Supervisor Yvonne B. Burke
Supervisor Zev Yaroslavsky
Supervisor Don Knabe

FROM: Robert B. Taylor *Robert B. Taylor*
Chief Probation Officer

SUBJECT: **DEPARTMENT OF JUSTICE SETTLEMENT AGREEMENT – QUARTERLY
COMPLIANCE PROGRESS REPORT**

On November 23, 2004, the Board instructed the Chief Probation Officer to work with the County Counsel, the Directors of the Departments of Health Services (DHS) and Mental Health (DMH), the Superintendent of the Los Angeles County Office of Education (LACOE), and any other impacted County department or agency, to submit quarterly progress reports to the Board regarding corrective action taken related to the Department of Justice settlement agreement.

This quarterly report covers July 1, 2006 through September 30, 2006. The next report will be submitted in January 2007 and will cover October 1, 2006 through December 31, 2006. A detailed matrix outlining the status of each provision is provided in Attachment I.

STATUS OF PROVISIONS OVERVIEW

The following is an update on the compliance status of the settlement agreement provisions. Of the 52 provisions that require formal monitoring:

- 10 (19%) are in compliance with the settlement agreement as confirmed by the DOJ Monitors – these have been in formal monitoring for the required 12 consecutive months, and thus, no longer require formal monitoring.

These provisions are as follows:

<u>Provision #</u>	<u>Subject of Provision</u>	<u>Responsible Agency</u>	<u>Formal Monitoring Completion Date</u>
#9	Screening	DMH	May 31, 2006
#14	Record-Keeping	DMH & JCHS	Jun 30, 2006
#21	Housing of Youth with Disabilities	Probation	May 31, 2006
#34	Group Punishment	Probation	May 31, 2006
#36	Youth Movement between Halls	Probation	Jun 30, 2006
#39	Youth with Special Needs	JCHS	May 31, 2006
#42	Confidentiality	Prob. & JCHS	May 31, 2006
#67	Consent Forms	Prob., JCHS & DMH	May 31, 2006
#68	Implementation Plan	All	May 31, 2006
#69	Document Review	All	Aug 31, 2006

- 10 (19%) are currently in the formal monitoring stage and are expected to be in full compliance within the next two months. These provisions are as follows:

<u>Provision #</u>	<u>Subject of Provision</u>	<u>Responsible Agency</u>	<u>Formal Monitoring Effective Date</u>
#8	Mental Health Staffing	DMH	Dec 1, 2005
#17	Psychotropic Medications	Probation	Dec 1, 2005
#19	Access to Care for Medical Services	Probation	Dec 1, 2005
#20	Staff Understand Mental Health Needs	Prob, DMH & JCHS	Dec 1, 2005
#30	Supervision of Youth	Probation	Nov 1, 2005
#37	Orientation to Juvenile Hall	Probation	Jan 1, 2006
#38	Grievance System	Probation	Dec 1, 2005
#40	Transportation to Outside Appointments	Probation	Dec 1, 2005
#43	Access to Care for Mental Health Services	Probation	Dec 1, 2005
#51	Security	Probation	Dec 1, 2005

- 12 (23%) are anticipated to be ready to begin formal monitoring in December 2006 or January 2007, as significant progress towards compliance in these areas has been made within the past six months. These provisions are as follows:

<u>Provision #</u>	<u>Subject of Provision</u>	<u>Responsible Agency</u>	<u>Anticipated Formal Monitoring Date</u>
#10	Assessments (initial identification)	DMH	Dec 31, 2006
#22	Suicide Prevention	Probation	Dec 31, 2006
#23	Sharing of Information	Probation	Dec 31, 2006
#24	Assessment (ongoing evaluations)	DMH	Jan 31, 2007
#25	Management of Suicidal Youth	DMH/Probation	Dec 31, 2006
#26	Care for Self-Harming Youth	DMH/Probation	Dec 31, 2006
#44	Eyeglasses	JCHS	Dec 31, 2006
#45	Hygiene	JCHS/Probation	Jan 31, 2007
#52	Fire Safety	Probation	Dec 31, 2006

<u>Provision #</u>	<u>Subject of Provision</u>	<u>Responsible Agency</u>	<u>Anticipated Formal Monitoring Date</u>
#53	Food Safety	Probation	Dec 31, 2006
#54	Medically-Necessary Diets	Probation	Dec 31, 2006
#55	Youth Hygiene	Probation	Jan 31, 2007

- 20 (39%) are not anticipated to begin formal monitoring until March 2007 and as late as September 2007. These provisions are identified below. As indicated in Attachment II, the County and LACOE have requested a two-year extension to the Settlement Agreement in order to achieve substantial compliance with the agreement.

<u>Provision #</u>	<u>Subject of Provision</u>	<u>Responsible Agency</u>	<u>Anticipated Formal Monitoring Date</u>
#11	Treatment Planning	DMH	Jul 31, 2007
#12	Case Management	DMH	Jul 31, 2007
#13	Counseling Services	DMH	Jul 31, 2007
#15	Individualized Behavior Modification	ALL	May 31, 2007
#16	Substance Abuse	DMH/Probation	Mar 31, 2007
#18	Restraints	Probation	Mar 31, 2007
#27	Staffing (Probation)	Probation	Jun 30, 2007
#28	Chemical Restraint	Probation	Mar 31, 2007
#29	Use of Force	Probation	Mar 31, 2007
#31	Child Abuse Investigation	Probation	Jun 30, 2007
#32	Use of Force Review	Probation	Mar 31, 2007
#33	Rehabilitation	Probation/LACOE	Jun 30, 2007
#35	Reduce Youth-on-Youth Violence	Probation/LACOE	Mar 31, 2007
#41	Medical Records Transfer	JCHS	Sep 30, 2007
#46	Special Education	LACOE	Jul 31, 2007
#47	Related Services	LACOE	Jul 31, 2007
#48	Parent Participation	LACOE	Jul 31, 2007
#49	Transition Planning and Services	LACOE	Jul 31, 2007
#50	Materials, Space and Equipment	LACOE	Jul 31, 2007
#56	Audit Process for DOJ	ALL	Sep 30, 2007

SUMMARY OF COUNTY'S PROGRESS: JULY 2006 – SEPTEMBER 2006

➤ Probation Department

- Although extensive work remains, during this reporting period, the County has made progress in managing and caring for the population of self-harming youth in its care. Mr. Lindsay Hayes, the nationally recognized consultant-expert in correctional suicide prevention conducted a follow-up assessment of the suicide prevention practices at the three juvenile halls. Mr. Hayes' report indicated that significant improvements have been achieved in the serious problematic areas noted during his December 2005 visit.

- The County has revised its policies and procedures relating to the use of force and the application of both hard and soft restraints. These revised policies and procedures were issued on May 18, 2006, and clearly indicate that soft-restraints shall only be applied to minors who are experiencing mental health crises. Intensive internal auditing processes have been implemented to ensure compliance with these policies.
- The Department continues the process of recruiting, hiring and training staff to achieve compliance with Provision #27, Staffing. During previous reporting periods, the Department's ability to achieve substantial compliance in several areas of the agreement had been hampered by inadequate staffing levels. Provisions #25, Management of Suicidal Youth; #28, Chemical Restraints; #29, Use of Force; #32, Use of Force Review; #33, Rehabilitation; and Provision #35, Youth-on-Youth Violence were all impacted by inadequate staffing and as a result substantial compliance has not been met in these areas. As staffing levels have stabilized due to the hiring of additional staff, and staff have become more experienced, instances of use of force and youth-on-youth violence levels have decreased by approximately 10%. Since January 1, 2006, the Department has added over 400 additional staff in the halls. We expect to continue to see positive results as the process of adding newly trained staff continues and their experience level increases.

➤ ***Department of Health Services – Juvenile Court Health Services***

- During this reporting period, DHS and Probation Department have had several decision-maker level meetings to discuss the electronic medical records system. A working group has been established to explore other systems in use by DHS for JCHS as well as some off-the-shelf correctional healthcare electronic medical record systems in use by other correctional facilities.
- The Eye Clinic was opened at Central Juvenile Hall and youth began receiving optometry services in June 2006. Policy and procedures were developed to address eye services, referrals and clinic operations.

➤ ***Department of Mental Health***

- During this reporting period, staffing levels remained sufficient and the County has met the criteria in terms of hiring appropriate staff. In addition, the provisions related to Screening and Record Keeping have met the required 12-month consecutive period of substantial compliance and no longer require formal compliance monitoring.
- A revised "Request for Mental Health Consultation" referral form was developed and is currently being used.

- DMH continues to work with Probation and JCHS to define urgent and routine referrals, and to ensure that sufficient information is included with the referral so that DMH can make triage decisions.
- Probation and DMH have revised the Mental Health Recording form ("Green Sheet") to include a standardized format and prompts. In addition, both forms have been incorporated into the tracking of the Level of Supervision status. This change has helped to improve the tracking of youth on high observation which relates to the Settlement Agreement paragraphs on assessment, care and management of suicidal and self-harming youth.
- Mental health assessments continue to be completed within the specified timeframe and treatment planning continues to improve due to the Individualized Behavior Management Planning (IBMP) process at each of the facilities for youth that are experiencing behavioral or other kinds of problems. Counseling services provided to youth have continued to improve.

SUMMARY OF LACOE'S PROGRESS: JULY 2006 – SEPTEMBER 2006

- ***Special Education Services*** – LACOE has revised the structure of the service delivery model to provide more comprehensive, cohesive, and consistent special education services in all three halls. New positions have been added to serve as liaisons among the three halls and LACOE's central office to ensure resolution of problems in the delivery of special education services as they arise. LACOE continues to actively recruit and hire additional special education service providers.
- ***Record Retrieval*** – LACOE has established new systems and new staff positions to obtain school transcripts, records, and other pertinent information about students as rapidly as possible. This effort includes an agreement with the Los Angeles Unified School District to allow electronic transfer of school records.
- ***English Learner (EL) Services*** – All juvenile hall teachers are required to have EL certification to teach English Learners. LACOE has created additional positions and staff assignments to enhance EL services at the three juvenile halls. Under the direction of LACOE's central EL Services unit, there is ongoing coordination with site staff to successfully implement a comprehensive EL program.
- ***Staff Development*** – LACOE has provided mandatory ongoing training for all staff, including administrators, to improve their skills and technical knowledge to meet the students' diverse needs.

MONITORS' KEY OBSERVATIONS -- THIRD SEMI-ANNUAL MONITORING REPORT

The following issues were noted in the DOJ Monitor's Third Semi-Annual Monitoring Report issued in May 2006:

➤ Probation Department

- Use of force incidents have shown a decrease in 2005, reversing a trend from 2002-2004.
- The Monitor noted serious concerns with paragraph #18, Restraints. A small number of highly aggressive and oftentimes mentally ill minors were placed in arm and leg restraints for extended periods of time. The practice did not follow the proper documentation, oversight procedures, or medical and mental health safeguards required by the Agreement or the Department's own policy. ***This issue has since been corrected and an updated policy has been issued.***
- Use of Force Incident Supervisory and Performance Reviews (Paragraph 32) need further policy development and better oversight. The incidents of youth-on-youth violence (Paragraph 35) increased in 2005. This trend has reversed slightly in 2006 as the number of incidents has shown a 10% decrease for the first eight months of this year as compared to last year.

➤ Department of Health Services – Juvenile Court Health Services

- ***Medical Records Transfer*** – While the County has improved the medical records transfer process significantly, the DOJ Monitors will not grant monitoring in this area until an electronic medical records system is developed. High level meetings have taken place between Probation and JCHS and a working group has been developed to review new and existing systems to determine how best to meet the mandate of this provision while providing the best possible care and treatment for detained minors. This provision will likely be a funding issue as there are currently no dedicated funds for a new system.
- ***Hygiene*** – The Monitor for this provision indicated that he observed progress in this area and commented that he expects JCHS and Probation to be able to achieve substantial compliance by the next monitoring visit.
- ***Eyeglasses*** – This provision is anticipated to be granted formal monitoring during the next monitoring visit. An Eye Clinic has been established at Central Juvenile Hall and minors have been receiving services since June 2006. During his last visit, the medical Monitor inspected the clinic, met with the health care provider and provided positive comments. At that time he indicated that he would like to give the clinic some time to be operational before he grants formal monitoring.

- **Record Keeping** – The County has met the terms of the Settlement Agreement by achieving substantial compliance for 12 consecutive months for this provision.
- **Psychotropic Medication** – Formalized monitoring of this provision was granted effective December 1, 2005.
- **Youth with Special Needs** - The County has met the terms of the Settlement Agreement by achieving substantial compliance for 12 consecutive months for this provision.

➤ **Department of Mental Health**

- **Staffing** - Formalized monitoring has been in place since December 2005. Staffing levels are sufficient and the County has met the criteria in terms of hiring appropriate staff.
- **Screening** - The County has met the terms of the Settlement Agreement by achieving substantial compliance for 12 consecutive months for this provision. A new "Request for Mental Health Consultation" referral form is currently being used. DMH is currently working with Probation and JCHS to define urgent and routine referrals, and to ensure that sufficient information is included with the referral so that DMH can make triage decisions. Probation and DMH have revised the Mental Health Recording form ("Green Sheet") to include a standardized format and prompts. The Monitors note that these have significantly improved from the prior forms. In addition, both forms have been incorporated into the tracking of the Level of Supervision status. This change has helped to improve the tracking of youth on high observation which relates to the Settlement Agreement paragraphs on assessment, care and management of suicidal and self-harming youth.
- **Treatment Planning** - The Monitor noted that the treatment plan that the County has developed is improved and currently implemented at all facilities but targeted interventions and follow up must improve. Treatment planning continues to improve due to the implementation of Individualized Behavior Management Planning ("IBMP") at each of the facilities for youth that are experiencing behavioral or other kinds of problems.
- **Case Management** - The Monitor noted that treatment plan coordination and case management have significantly improved through the IBMP process. They note that this process should be expanded.
- **Counseling Services** - The Monitor noted that there is considerable evidence that counseling services provided to youth have continued to improve.

- **Record Keeping** - The County has met the terms of the Settlement Agreement by achieving substantial compliance for 12 consecutive months for this provision.
- **Monitoring of Psychotropic Medication** - Formal monitoring has been in place since December 2005.
- **Assessment, Care And Management Of Suicidal And Self-Harming Youth** - These paragraphs will be proffered for formal compliance monitoring by December 2006 or January 2007. The County continues to make progress in managing and caring for the population of self-harming youth. The improved collaboration on the tracking of youth on high observation has helped to ameliorate concerns previously raised by the Monitors regarding these paragraphs.

➤ **Los Angeles County Office of Education**

- The Monitor's Report has noted insufficient staff for providing special education services. Consequently, LACOE Special Education administrators are reviewing the fluctuating student population to determine adequate staffing levels for each juvenile hall. LACOE continues to actively recruit and hire additional highly qualified specialists, teachers, and school psychologists.
- LACOE continues to take the necessary steps to include parents in the IEP process and offer them alternate methods of attending their child's IEP meetings when they are unable to attend in person, such as attending by phone conference.
- LACOE has made significant progress in providing Individualized Transition Plans (ITP) for students who are 16 years or older.
- LACOE's efforts have resulted in significantly improving identification of students for EL services through requesting students' CELDT scores when they enroll in the juvenile hall school. LACOE has implemented the Monitor's recommendations for staff assignments and program design.
- LACOE has developed a thorough and comprehensive design for the EL Newcomer program to serve the needs of Beginner and Early Intermediate ELs. LACOE staff should continue to build continuity and consistency of EL program design and delivery at each juvenile hall.
- The records retrieval process continues to improve. LACOE has a standard process for student records retrieval at all juvenile halls.
- LACOE must continue to work with the other agencies to address the educational needs of students in the Special Handling Unit (SHU).

Auditor-Controller's Oversight of the Quality Assurance Team

The Auditor-Controller continues to provide oversight of the Quality Assurance (QA) Team which consists of representatives from DHS, DMH, LACOE, and Probation. The QA Team is responsible for monitoring 48 of the 52 settlement agreement provisions. The remaining four provisions are administrative-related and do not require formal monitoring by the Auditor-Controller.

The QA Team monitors the progress of DHS, DMH, LACOE, and Probation to implement the 48 provisions. The monitoring is conducted monthly at each of the three juvenile halls. The QA Team discusses its findings with management of the respective departments, the Project Manager, and the DOJ Monitors. The results of the QA Team reviews support the DOJ's assessment of the County's progress toward implementing the provisions.

County Counsel, DHS, DMH, LACOE, and the Auditor-Controller concur with this report. Our next quarterly compliance progress report will be submitted in January 2007, covering October 1, 2006 through December 31, 2006. We anticipate the DOJ Monitor's Fourth Semi-Annual Monitoring Report will be completed within this month. The agencies will continue to implement the necessary changes and identify and proffer additional provisions for formal monitoring assessment by the DOJ. We will continue to apprise your Board of any significant developments.

If you have any questions, please contact me or your staff may contact Ron Barrett, Chief, Detention Services Bureau at (562) 940-2503.

RBT:RB:jg

Attachments (2)

- c: Sachi A. Hamai, Executive Officer, Board of Supervisors
- David E. Janssen, Chief Administrative Officer
- J. Tyler McCauley, Auditor-Controller
- Raymond G. Fortner, Jr., County Counsel
- Dr. Bruce Chernof, Director, Department of Health Services
- Dr. Marvin J. Southard, Director, Department of Mental Health
- Dr. Darline P. Robles, Superintendent, Los Angeles County Office of Education